

**Charter Review Committee Meeting
January 7, 2021 @ 10:00 a.m.**

In attendance were Committee Chairwoman Barbara Ryer; Committee Members Pat Plocek, Tim Roe, and Town Manager Debbie Botchie; and Town Clerk Matt Amerling. Committee Member Sharon Brienza was absent.

1. **CALL TO ORDER:** Committee Chairwoman Barbara Ryer called the meeting to order at 10:00 a.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** All Committee members were present except Sharon Brienza.
4. **ADOPTION OF MINUTES**
 - A. December 3, 2020

Committee Member Tim Roe motioned to approve the December 3, 2020, Charter Review Committee meeting minutes. Committee Member Pat Plocek seconded the motion. Motion carried 4-0.

5. **OLD BUSINESS**
 - A. Continue discussions on possible Charter amendments.

Town Manager Debbie Botchie stated regarding the annexation process, Ms. Botchie was on the phone this morning with Town Solicitor Seth Thompson, who was very ill the past month and is catching up now. Ms. Botchie stated Mr. Thompson has everything which has been proposed to amend so far. Ms. Botchie stated while reviewing the charter, she noticed some other lines and sections which were antiquated and she has them “in line” but they’re not finished yet. Ms. Botchie stated regarding the annexation portion, which she did take from the Town of Milton, has been tweaked to fit Millville’s needs since Milton has other departments and aspects Millville doesn’t have – such as water, sewer, etc. Ms. Botchie stated she spoke with Milton’s town manager, Kristy Rogers, and asked if Milton had new annexation applications since the new charter was in effect, and Ms. Rogers said yes, and it’s worked very well. Ms. Botchie stated the only comment Ms. Rogers made – and Ms. Botchie is “not going there” – is to get rid of the (annexation) committee because there is “too much back-and-forth.” Ms. Botchie stated the committee now – with the Charter change – would have two (2) Council members and one (1) Planning & Zoning Commission (P&Z) member rather than all three (3) Council members, which doesn’t make sense to have a committee comprised of three (3) Council members which make up a quorum.

Mr. Roe stated on page three (3), under item E, in the middle of the paragraph, the words “one-hundred” should be omitted. Ms. Botchie stated Milton’s language in its charter has “Mayor and Town Council” because the mayoral position is an elected position but, it is not in Millville, so “Mayor and” was omitted throughout these mark-ups. Mr. Plocek stated, on page thirteen (13), under item A, the time period for voting in the Town election is from eleven (11) a.m. to four-thirty (4:30) p.m., and there are people working on Saturdays during that time, so it doesn’t give

those people much of an opportunity to vote. Town Clerk Matt Amerling stated he contends with that somewhat as because most people who work on a Saturday often have two (2) very different shifts of either morning/afternoon or afternoon/evening, and this is spread to have someone come in the morning or later in the afternoon. Mr. Amerling stated there is also an absentee ballot for those who cannot make it in to vote during the allotted timeframe. Mr. Plocek stated there are some employees who still work nine (9) to five (5) and they wouldn't make it on time, so he thinks the polls should be open earlier or stay open later. Mr. Amerling stated it's because of those cases there is the option of submitting an absentee ballot. Ms. Botchie stated she will research what other towns have for their election timeframes. Mr. Plocek stated on page thirty-six (36), at the top of the page, it's a continuation of item five (5), but the wording doesn't make sense. Mr. Amerling stated the words "may be determined" maybe should have remained in the sentence rather than omitted. Ms. Botchie stated she will discuss this item with Town Finance Director Lisa Wynn. Mr. Plocek stated he also has a question about where the mention is for the authority for the Town to levy fees for using Town facilities. Ms. Botchie stated she thought the authority was already listed in the charter under item A, in section twenty-eight (28). Ms. Ryer stated the addition of language "and other revenue" does make it fall under that scope, but she sees Mr. Plocek means specific language for renting out the conference rooms and facilities. Mr. Plocek stated yes, there should be wording in there to allow Council to levy fees for the rental of Town facilities. Ms. Botchie stated she has to go back with the comments and re-read the charter because it may already be in there. Ms. Botchie stated she is working on applications for the use of facilities and she's got nearly everything done except the exact fee amounts for the specific facilities.

Ms. Botchie stated on page eleven (11), section five (5), qualifications for a Town Council member, she added some different language and liked Milton's qualifications so she put those in. Ms. Botchie stated, regarding section six (6), by re-reading it and reviewing Milton's, Millville's is antiquated so she added new language. Ms. Botchie stated she already spoke with Mr. Thompson about both sections. Ms. Botchie stated on page sixteen (16), section eleven (11), in item A, there is a sentence stating "Council may determine the agenda, prepare agenda items and submit to the Town Manager in a timely fashion." Ms. Botchie stated this has never happened. Mr. Amerling stated what it is saying is Council would draft the meeting agenda, as well as put together the agenda packet items and submit them to Ms. Botchie (the Town Manager). Ms. Ryer agreed it never happens. Ms. Botchie stated she highlighted this sentence and sent it to Mr. Thompson to see about omitting it because it never happens due to the Town administration drafting the agendas. Ms. Botchie stated on page seventeen (17), under section twelve (12), she added a person filling a vacancy on Council, board or commission must fill out and submit an ethics form. Mr. Amerling asked if this language should be under section five (5) as part of the qualifications to become a Council member because this section is just for those filling a vacancy. Ms. Botchie stated there is already a requirement that once a person first comes onto Council, they have to fill out an ethics form. Mr. Plocek stated he thinks there should be item G added to section five (5) stating "After an appointment or election to Council, a board or commission, the appointed or elected official shall submit an Ethics Form in Appendix B to the Town." Ms. Botchie stated she is going to do a search on this form because it comes up a couple of times. Mr. Plocek stated if language is added to section five (5), to avoid repetition, the language in section twelve (12) can be deleted except for the last line starting with "Any person appointed to a vacancy."

Ms. Botchie stated regarding section thirteen (13), the disqualifications and forfeiture, the committee wanted to add language regarding violating the policies outlined in the “Millville Town Council Policies & Procedures Manual,” so that was added. Ms. Botchie stated she’s been thinking for a while due to P&Z’s operating “fully functional” now that P&Z should be added to the same policies and procedures manual. Ms. Ryer stated she will work on drafting a resolution updating the manual to include the Town P&Z. Ms. Botchie stated under section eighteen (18), the Town is adding the Board of Adjustment (BOA) members to the language in item A. Ms. Botchie stated on page twenty-five (25), under section nineteen (19), Charter Review Committee Member Sharon Brienza wanted to omit item I, and Ms. Botchie is not sure why as the statement of the Town Manager having a seat on the dais during Council meetings but not voting is valid. Mr. Amerling stated his guess is maybe Ms. Brienza wanted it omitted because maybe Ms. Brienza thought the entry redundant and not something which needed to be stated in the charter. Mr. Amerling stated when this item was put in the charter it was as a clarification to ensure and show the Town Manager did not have a vote during a Council meeting so there is no confusion and the Town will have a reference to show the public if the issue ever arises. Ms. Botchie stated she has had several instances where people think she voted on a Council issue, but she reminds them she doesn’t vote. Mr. Plocek stated item I should be kept in. The Committee agreed. Ms. Botchie stated on page twenty-six (26), Ms. Brienza also omitted item K and maybe she thought it also redundant, but it is the Town Manager’s monthly duty to report budgetary revenues and expenses to Council. Ms. Botchie stated for section twenty-one (21), board of health, Ms. Botchie updated the section to match Milton’s. Mr. Amerling stated the only very minor thing he sees is in the first sentence where there is a period (.) placed wrongly after the word “may.” Ms. Botchie stated they can review the rest at the next meeting. Ms. Botchie stated Mr. Thompson reviewed the changes to sections twenty-two (22) and Mr. Thompson was OK with it. Ms. Botchie stated on page twenty-nine (29), section twenty-three (23), the word “elected” was stricken and Ms. Botchie thinks it should be kept. The committee agreed.

Ms. Botchie stated, under section twenty-four (24), in item A, there is the word “freeholders,” and the Town doesn’t use that term. Ms. Botchie stated she would like to review this word with Mr. Thompson to make sure she understands its legal meaning. Ms. Botchie stated, regarding assessments, the Town utilizes Sussex County for its assessments and the Town would double that assessment to the appraised value, which is what a property owner is taxed on; however, Sussex County has taken out the term “assessment.” Ms. Botchie stated she brought this to Ms. Wynn’s attention it’s now called an appraisal, not an assessment. Ms. Botchie stated this is something the Town needs to look into, but she thinks County should continue using the language “assessment” and not “appraisal.” Ms. Botchie stated Mr. Thompson will also have to review this section. Ms. Botchie stated section twenty-six (26), supplemental assessment, Ms. Wynn will be reviewing. Mr. Amerling stated, regarding section twenty-eight (28), for items B-4 and B-5, Ms. Botchie had asked what needs to be asked of Mr. Thompson, and, at the November 5, 2020, Charter Review meeting, Ms. Botchie said she wanted to discuss these items with Mr. Thompson because the Town doesn’t know the distant future of the Town and whether Town Hall will be responsible for water and sewer. Mr. Amerling stated on page thirty-seven (37), for item E, with the same question related to asking Mr. Thompson, at the same November 5, 2020, meeting, Ms. Wynn said this was very different from Milton’s language, and Ms. Botchie said she would have to review this with Mr. Thompson as the Town doesn’t give a list to the Council Treasurer, which is referenced in the first part.

Ms. Botchie stated on page fifty-two (52), under section thirty-two (32), item B-1, the word “elected” should remain in the sentence as well as on page fifty-three (53), under item two (2). Ms. Botchie stated on page fifty-nine (59), section thirty-seven (37), compendium, was stricken but she’s not sure why so she added it back in with Milton’s language. Mr. Amerling stated his agreement to keep the language as it’s an important section. Ms. Botchie stated there are still other things for review and Mr. Thompson is just “getting back in the saddle” after a long illness, and hopefully he’ll do some reviews before the committee meets again in February.

6. CITIZENS PRIVILEGE

As there were no attendees, there were no comments.

7. ANNOUNCEMENT OF NEXT MEETING – FEBRUARY 4, 2021 AT 10 A.M.

8. ADJOURNMENT

Mr. Plocek motioned to adjourn the meeting at 11:01 a.m. Mr. Roe seconded the motion. Motion carried 4-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk